areas in Tennessee for the purpose of providing Lifeline services.

Respectfully submitted,

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August 2, 2012

Exhibit A

Tennessee Regulatory Authority Letter

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

April 11, 2003

IN RE)	
Application of advantage cellular Systems, inc. to be designated as an RLIGIBLE TELECOMMUNICATIONS CARRIER		RET NO. 91245
ORDER		

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier ("Application") filed on November 21, 2002.

Beckeround

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalo Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Anthority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the penel of Directors assigned to this docket deliberated Advantage's Application. Of Streemest consideration was the issue of the Authority's jurisdiction. The penel unsulmously found that the Authority lacked

jurisdiction over Advertage for BTC designation purposes.

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 63-4-104, the definition of public utilities specifically excludes, with sortain exceptions not relevant to this case, "Jaky individual, partnership, copartnership, association, corporation or joint stock company offering domestic public ceitain radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.

¹ Tale finding is not inconstant with the Authority's decision in hyre: Universal Service Generic Constants Gase, Decise 97-00848, Interim Order on Phase I of Universal Service, pp. 53-57 (May 20, 1998), in which the Authority sequired intrastate telecommunications carriers to endering the contribute to the intrastate Universal Service Fand including telecommunications carriers not subject to sutherity of the TRA. The decision in Docket No. 97-00838 was based gelandly on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not incursationate with the Protect Communication Communications on Universal Service and specifically requires every telecommunications market that generalise intensities telecommunications survives to combitate to the protectively and advancement of universal service in that state. The Interior Crairs was issued prior to the effective date of 47 U.S.C. § 214(a)(6).

3 47 U.S.C. § 214(a)(6) elected.

⁽⁶⁾ Common oursiers not subject to state commission jurisdicting

In the case of a common currier providing telephone ambungs service and enthange excess that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common currier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission constitues with applicable Federal and State law. Upons request and someistant with the public interest, convenience and pocessity, the Commission may, with respect to an area served by a rural subspices company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service sees designated under this paragraph, as long as each additional supersting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications certier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal counity," the PCC requires that carriers seeking ETC designation. "first consult with the state commission to give the state commission an opportunity to interpret state law." Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."

The panel noted that the PCC is the appropriate forum for Advantage to purme ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statument required by the PCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Davignated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.

Sara Kylo, Chairman

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In the Matter of Pederal-State Joint Ed. on Universal Service, CC Dodan No. 96-43, Rendfit Report and Order, Monocranium Opinion and Order, and Further Notice of Proposed Julymaking, 15 P.C.C.S., 12208, 12264, § 122 Gass 30, 2000.

[&]quot;See led. (The "affirmedive reasonant of the state commission may consist of any duly authorized letter, comment, a state commission defer indicating that is lacks jurisdiction to perform designations over a particular carrier.")

Exhibit B

Maps of SI Wireless Proposed ETC Service Areas

